

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**CECIL E. HOPKINS, individually  
and on behalf of a class of all others  
similarly situated,**

**Plaintiff,**

**vs.**

**Case No. 08-05052-CV-SW-GAF**

**KANSAS TEACHERS COMMUNITY  
CREDIT UNION,**

**Defendant/Third Party Plaintiff,**

**vs.**

**MARATHON ROTHSCHILD CREDIT  
UNION, et al.,**

**Third Party Defendants.**

**ORDER GRANTING DEFAULT JUDGMENT**

Presently before the Court is Third-Party Plaintiff Kansas Teachers Community Credit Union's ("KTCCU") Motion for Default Judgment Against Third-Party Defendant Flatiron Financial Services, Inc. filed pursuant to Fed. R. Civ. P. 55. (Doc. #134). On July 8, 2009, KTCCU filed its Third-Party Complaint for indemnity and contribution against Third-Party Defendant Flatiron Financial Services, Inc. d/b/a "Peak5" ("Peak5"). (Doc. #52). Peak5 was served with process on July 15, 2009. (Doc. #110).

Under Fed. R. Civ. P. 12(a)(1)(A)(I), Peak5 was required to file its Answer to the Third-Party Complaint on or before August 4, 2009. To date, Peak5 has not attempted to respond. KTCCU requests the Court enter a default judgment against Peak5 on the issue of liability only at

this time. The Court finds Peak5 is in default, and KTCCU is entitled to a default judgment under Fed. R. Civ. P. 55 on the issue of liability. Accordingly, it is

**ORDERED** that KTCCU's Motion is **GRANTED**.<sup>1</sup>

s/ Gary A. Fenner

Gary A. Fenner, Judge  
United States District Court

DATED: March 12, 2010

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<sup>1</sup>If necessary, the amount of KTCCU's damages shall be determined at a later date.